

SECOND REGULAR SESSION

# SENATE BILL NO. 890

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR BLAND.

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Pre-filed December 1, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 571, RSMo, by adding thereto eight new sections relating to weapons, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

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Section A. Chapter 571, RSMo, is amended by adding thereto eight new sections, to be known as sections 571.160, 571.163, 571.167, 571.173, 571.180, 571.183, 571.186, and 571.188, to read as follows:

**571.160. Sections 571.160 to 571.167 shall be known, and may be cited as, the "Gun Show Enforcement and Security Act".**

**571.163. As used in sections 571.160 to 571.167, the following terms mean:**

**(1) "Certificate of Eligibility", a document granted by the department of public safety in accordance with the provisions of section 571.167;**

**(2) "Dealer", as defined by section 571.180;**

**(3) "Explosive weapon", as defined by section 571.010;**

**(4) "Firearm", as defined by subdivision (6) of section 571.010 and excluding an antique, curio, or relic firearm as defined by subdivision (1) of section 571.010;**

**(5) "Gun show or an event", a function sponsored by any national, state, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community;**

**(6) "Knife", as defined by section 571.010;**

**(7) "Licensed gun show producer", a person who has been issued a certificate of eligibility by the department of public safety pursuant to section 571.167.**

**571.167. 1. No person shall be authorized to produce, promote, operate, or otherwise organize a gun show or event, unless such person possesses a valid certificate of eligibility from the department of public safety, which shall be issued unless the applicant is found to be prohibited from possessing a concealable**

firearm, pursuant to section 571.070, and provided the applicant:

(1) States that he or she is familiar with the provisions of sections 571.160 to 571.167;

(2) Provides proof that liability insurance is in effect for the duration of the gun show or event in an amount not less than one million dollars;

(3) Provides an annual list of the gun shows or events that the applicant plans to promote, produce, sponsor, operate, or otherwise organize during the year for which the certificate of eligibility is issued, including the date, time, and location of the gun shows or events. If the information requires changes, or additional gun shows or events will be promoted, produced, sponsored, operated, or otherwise organized by the applicant, the producer shall notify the department of public safety no later than thirty days prior to the gun show or event.

2. The department of public safety shall adopt rules and regulations to administer the certificate of eligibility programs pursuant to this section and shall recover the full costs of administering the programs by fees assessed to applicants who apply for certificates. A licensed gun show producer shall be assessed an annual fee of one hundred dollars by the department of public safety. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

3. A willful failure by a gun show producer to comply with the requirements of this section, except for the posting of required signs, shall be a class A misdemeanor and shall render the producer ineligible to be a licensed gun show producer for one year from the date of conviction. The wilful failure of a gun show producer to post signs as required by this section shall be a class B misdemeanor for the first offense. The second or subsequent offense for failure to post signs shall be a class A misdemeanor and render the producer ineligible to be a licensed gun show producer for one year from the date of the conviction. If a producer is charged with multiple violations pursuant to this subsection, which arises from more than one gun show or event, shall be grounds for suspension of a producer's certificate of eligibility during pending adjudication of the violations.

4. Prior to the commencement of a gun show or event, the producer thereof

shall, upon written request, within forty-eight hours, or a later time specified by the requesting law enforcement agency, make available to the requesting law enforcement agency with jurisdiction over the facility, a complete and accurate list of all persons, entities, and organizations that have leased or rented, or are known to the producer to intend to lease or rent, any table, display space, or area at the gun show or event for the purpose of selling, leasing, or transferring firearms. The producer shall thereafter, upon written request, for every day the gun show or event operates, within twenty-four hours, or a later time specified by the requesting law enforcement agency, make available to the requesting law enforcement agency with jurisdiction over the facility, an accurate, complete, and current list of the persons, entities, and organizations that have leased or rented, or are known to the producer to intend to lease or rent, any table, display space, or area at the gun show or event for the purpose of selling, leasing, or transferring firearms. The provisions of this subsection applies to persons, entities, and organizations whether or not they participate in the entire gun show or event, or only a portion thereof.

5. The information that may be requested by the law enforcement agency with jurisdiction over the facility, and that shall be provided by the producer upon request, shall include, but is not limited to, the following information relative to a vendor who offers for sale firearms manufactured after August 28, 2004:

- (1) His or her complete name; and
- (2) A driver's license or identification card number.

6. The producer and facility manager shall prepare an annual event and security plan and schedule that shall include, at a minimum, the following:

- (1) The type of shows or events including, but not limited to, antique or general firearms;
- (2) The estimated number of vendors offering firearms for sale or display;
- (3) The estimated number of attendees;
- (4) The number of entrances and exits at the gun show or event site;
- (5) The location, dates, and times of the shows or events;
- (6) The contact person and telephone number for both the producer and the facility;
- (7) The number of peace officers employed by the producer or the facilities manager who will be present at the show or event; and
- (8) The number of nonsworn security personnel employed by the producer or the facility's manager who will be present at the show or event.

7. An annual event and security plan shall be submitted by either the producer or the facility's manager to the department of public safety and the law

enforcement agency with jurisdiction over the facility. No later than fifteen days prior to the commencement of the gun show or event, the producer shall submit to the department, the law enforcement agency with jurisdiction over the facility site, and the facility's manager a revised event and security plan if significant changes have been made since the annual plan was submitted, including a revised list of vendors that the producer knows, or reasonably should know, will be renting tables, space, or otherwise participating in the gun show or event. The event and security plan shall be approved by the facility's manager prior to the event or show after consultation with the law enforcement agency with jurisdiction over the facility. No gun show or event shall commence unless the requirements of this subsection are met.

8. The producer shall be responsible for informing prospective gun show vendors of the requirements of this section that apply to vendors.

9. If a gun show or event vendor fails to cooperate with a producer or fails to comply with the applicable requirements of this section such person shall not be allowed to participate in that show or event. No gun show or event shall commence unless the requirements of this section are met.

10. All producers shall have written contracts with all gun show vendors selling firearms at the show or event that contain a provision in which both parties affirm their knowledge and intention to abide by this section.

11. The producer shall require that signs be posted in a readily visible location at each public entrance to the show containing, but not limited to, the following notices:

(1) This gun show follows all federal, state, and local firearms and weapons laws without exception;

(2) All firearms carried onto the premises by members of the public will be checked, cleared of any ammunition, secured in a manner that prevents them from being operated, and an identification tag or sticker will be attached to the firearm prior to the person being allowed admittance to the show;

(3) No member of the public under the age of eighteen years shall be admitted to the show unless accompanied by a parent, grandparent, or legal guardian;

(4) All firearms transfers between private parties at the show shall be conducted in accordance with applicable state and federal laws; and

(5) Persons in this facility must have in their immediate possession government-issued photo identification, and display it upon request to any security officer or any state, municipal, or local peace officer. Any member of the public who is under the age of eighteen and accompanied by his or her parent,

grandparent, or legal guardian while at the show or event are exempt from this requirement.

12. The show producer shall post, in a readily visible location at each entrance to the parking lot at the show, signage that states: "The transfer of firearms on the parking lot of this facility is a crime."

13. All gun show or event vendors shall certify in writing to the producer that they:

(1) Will not display, possess, or offer for sale any firearms, knives, or weapons for which possession or sale is prohibited;

(2) Acknowledge that they are responsible for knowing and complying with all applicable federal, state, and local laws dealing with the possession and transfer of firearms;

(3) Will not engage in activities that incite or encourage hate crimes;

(4) Will process all transfers of firearms through dealers as required by state law;

(5) Will verify that all firearms in their possession at the show or event will be unloaded, and that the firearms will be secured in a manner that prevents them from being operated except for brief periods when the mechanical condition of a firearm is being demonstrated to a prospective buyer; and

(6) Have complied with the requirements of subsection 16 of this section.

14. All firearms transfers at the gun show or event shall be in accordance with applicable state and federal laws.

15. Except for purposes of showing ammunition to a prospective buyer, ammunition at a gun show or event may be displayed only in closed original factory boxes or other closed containers.

16. Prior to the commencement of a gun show or event, each vendor shall provide to the producer all of the following information relative to the vendor, the vendor's employees, and other persons, compensated or not, who will be working or otherwise providing services to the public at the vendor's display space if firearms manufactured after August 28, 2004, will be offered for sale:

(1) His or her complete name;

(2) His or her driver's license or state-issued identification card number; and

(3) His or her date of birth.

The producer shall keep the information at the show's or event's onsite headquarters for the duration of the show or event, and at the producer's regular place of business for two weeks after the conclusion of the show or event, and shall make the information available upon request to any sworn peace officer for

purposes of the officer's official law enforcement duties.

17. Vendors and employees of vendors shall wear name tags indicating first and last name.

18. No person at a gun show or event, other than security personnel or sworn peace officers, shall possess at the same time both a firearm and ammunition that is designed to be fired in the firearm. Vendors having those items at the show for sale or exhibition and attendees of the gun show or event possessing such items who are directly leaving the premises are exempt from this prohibition.

19. No member of the public who is under the age of eighteen years shall be admitted to, or be permitted to remain at, a gun show or event unless accompanied by a parent, grandparent, or legal guardian.

20. Persons other than show or event security personnel, sworn peace officers, or vendors, who bring firearms onto the gun show or event premises shall sign in ink the tag or sticker that is attached to the firearm prior to being allowed admittance to the show or event, as provided for in subsection 21 of this section.

21. All firearms carried onto the premises of a gun show or event by members of the public shall be checked, cleared of any ammunition, secured in a manner that prevents them from being operated, and an identification tag or sticker shall be attached to the firearm, prior to the person being allowed admittance to the show. The identification tag or sticker shall state that all firearm transfers between private parties at the show or event shall be conducted through a licensed dealer in accordance with applicable state and federal laws. The person possessing the firearm shall complete the following information on the tag before it is attached to the firearm:

- (1) The gun owner's signature;
- (2) The gun owner's printed name; and
- (3) The identification number from the gun owner's government-issued photo identification.

22. Unless otherwise specified by subsection 3 of this section, a first violation of this section is an infraction and the person shall be fined an amount not to exceed two hundred dollars and any second or subsequent violation is a class B misdemeanor. Any person who willfully commits an act which he or she knows to be a violation of this section is guilty of a class A misdemeanor.

571.173. 1. As used in this section, the following terms mean:

- (1) "Assault weapon", includes:
  - (a) Any selective-fire firearm capable of fully automatic, semiautomatic or burst fire at the option of the user or any of the following specified semiautomatic

firearms: Algimec Agmi; Armalite AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950 and 100-P; Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1, and Max-2; Encom MK-IV, MP-9, and MP-45; Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94, and SP-89; Holmes MP-83; MAC-10, MAC-11, and MAC-11 Carbine type; Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48, and G-3; Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine, and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol;

(b) A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be rapidly assembled if those parts are in the possession or under the control of the same person; or

(c) Any of the following:

a. A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:

b. A pistol grip that protrudes conspicuously beneath the action of the weapon;

c. A thumbhole stock;

d. A folding or telescoping stock;

e. A grenade launcher or flare launcher;

f. A flash suppressor;

g. A forward pistol grip;

(d) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than ten rounds;

(e) A semiautomatic, centerfire rifle that has an overall length of less than thirty inches;

(f) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:

a. A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

b. A second handgrip;

c. A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel;

d. The capacity to accept a detachable magazine at some location outside of the pistol grip;

(g) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than ten rounds;

(h) A semiautomatic shotgun that has both of the following:

a. A folding or telescoping stock; and

b. A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip;

(i) A semiautomatic shotgun that has the ability to accept a detachable magazine;

(j) Any shotgun with a revolving cylinder;

(k) Any weapon declared to be an assault weapon by the court in accordance with this section.

"Assault weapon" does not include any firearm modified to render it permanently inoperable or any antique firearm;

(2) "Capacity to accept more than ten rounds", capable of accommodating more than ten rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than ten rounds;

(3) "Dealer", as defined by section 571.180;

(4) "Declaration of temporary suspension", a court's order, made at the request of the attorney general, that the manufacture, sale, distribution, transportation, and importation of a firearm should cease of the period of time necessary to determine if the weapon will be placed on the list of assault weapons;

(5) "Magazine", any ammunition-feeding device;

(6) "Person", an individual, partnership, corporation, limited liability company, association, or any other group or entity, regardless of how it was created.

2. Upon request by the attorney general filed in a verified petition in a circuit court, the court shall issue a declaration of temporary suspension of the manufacture, sale, distribution, transportation, or importation into the state, or the giving or lending of a firearm alleged to be an assault weapon within the meaning of this section, if the firearm is:

(1) Another model by the same manufacturer or a copy by another manufacturer of an assault weapon listed in this section, which is identical to one



of the assault weapons listed except for slight modifications or enhancements. The court shall strictly construe this paragraph so that a firearm that is merely similar in appearance but not a prototype or copy cannot be found to be within the meaning of this paragraph.

(2) A firearm first manufactured or sold to the general public in Missouri after August 28, 2004, which has been redesigned, renamed, or renumbered from one of the firearms listed as an assault weapon in this section or which is manufactured or sold by another company under a licensing agreement to manufacture or sell one of the firearms listed as an assault weapon in this section, regardless of the company of production or distribution, or the country of origin.

3. Upon the issuance of a declaration of temporary suspension by the circuit court and after the attorney general has completed the notice requirements of subsections 4 and 5 of this section, the provisions of subsection 3 of this section shall apply with respect to those weapons.

4. Upon declaration of temporary suspension, the attorney general shall immediately notify all police, sheriffs, district attorneys, and those requesting notice pursuant to subsection 5 of this section, shall notify industry and association publications for those who manufacture, sell, or use firearms, and shall publish notice in not less than ten newspapers of general circulation in geographically diverse sections of the state of the fact that the declaration has been issued.

5. The attorney general shall maintain a list of any persons who request to receive notice of any declaration of temporary suspension and shall furnish notice under the provisions of this section to all these persons immediately upon a circuit court declaration. Notice shall also be furnished by the attorney general by certified mail, return receipt requested, or substantial equivalent if the person who is to receive the notice resides outside the United States, to any known manufacturer and Missouri distributor of the weapon who is the subject of the temporary suspension order or their Missouri statutory agent for service. The notice shall be deemed effective upon mailing.

6. After issuing a declaration of temporary suspension under this section, the circuit court shall set a date for hearing on a permanent declaration that the weapon is an assault weapon. The hearing shall be set no later than thirty days from the date of issuance of the declaration of temporary suspension. The hearing may be continued for good cause thereafter. Any manufacturer or Missouri distributor of the weapon who is the subject of the temporary suspension order has the right, within twenty days of notification of the issuance of the order, to intervene in the action. Any manufacturer or Missouri distributor who fails to

timely exercise its right of intervention, or any other person who manufacturers, sells, or owns the assault weapon may, in the court's discretion, thereafter join the action as *amicus curiae*.

7. At the hearing to determine whether the weapon is an assault weapon pursuant to this section, the burden of proof is upon the attorney general to show by a preponderance of evidence that the weapon that is the subject of the declaration of temporary suspension is an assault weapon. If the court finds the weapon to be an assault weapon pursuant to this section, the court shall issue a declaration that the weapon is an assault weapon. Any party to the cause of action may appeal the court's decision. A declaration that the weapon is an assault weapon shall remain in effect during the pendency of the appeal unless ordered otherwise by the court with jurisdiction.

8. The attorney general shall prepare a description for identification purposes, including a picture or diagram, of each assault weapon listed in this section, and any firearm declared to be an assault weapon pursuant to this section, and shall distribute the description to all law enforcement agencies responsible for enforcement of this chapter. Those law enforcement agencies shall make the description available to all agency personnel.

9. The attorney general shall maintain a list that specifies all firearms declared to be assault weapons pursuant to this section. The attorney general shall file said list with the secretary of state for publication in the Missouri code of state regulations. Any declaration that a specified firearm is an assault weapon shall be implemented by the attorney general who, within ninety days, shall issue an amended list which shall include the specified firearm declared to be an assault weapon. The attorney general shall file the amended list with the secretary of state for publication in the Missouri code of state regulations. Chapter 536, RSMo, pertaining to the administrative procedure and review, shall not apply to any list of assault weapons published pursuant to this section. The attorney general shall adopt those rules and regulations that may be necessary or proper to carry out the purposes and intent of this section.

10. Any person who, within this state, manufactures or causes to be manufactured, distributes, transports, or imports into the state, keeps for sale, or offers or exposes for sale, or who gives or lends any assault weapon, except as provided by this section, is guilty of a class C felony. In addition, any person who transfers, lends, sells, or gives any assault weapon to a minor shall receive an enhancement of one year to his or her prison term.

11. Any person who, within this state, possesses any assault weapon, except as provided in this section, is guilty of a class A misdemeanor. However, if the

owner has otherwise possessed the firearm in compliance with state law, a first-time violation of this subdivision shall be an infraction punishable by a fine not to exceed two hundred dollars if a person presents proof that he or she lawfully possessed the assault weapon prior to August 28, 2004, or prior to the date it was specified as an assault weapon. In such cases, the assault weapon shall be returned to the owner unless the court finds in the interest of public safety, after notice and hearing, that the assault weapon should be destroyed so as to be inoperable. Upon such a finding, the owner shall destroy the assault weapon within thirty days. Failure to destroy such assault weapon is a class A misdemeanor. This subsection shall not apply to the possession of assault weapons by authorized personnel of:

- (1) Department of public safety;
- (2) Police departments;
- (3) Sheriffs' offices;
- (4) Marshals' offices;
- (5) Department of corrections;
- (6) Missouri state highway patrol;
- (7) District attorneys' offices;
- (8) Department of conservation;
- (9) Department of natural resources;
- (10) Military or naval forces of this state or of the United States; and
- (11) Federal law enforcement agencies for use in the discharge of their official duties.

12. The prohibition against possession of an assault weapon, pursuant to subsection 11 of this section shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon that was possessed before August 28, 2004. If the court finds in the interest of public safety, after notice and hearing, that the assault weapon should be destroyed so as to be inoperable, the executor or administrator of the estate shall destroy the assault weapon within thirty days of the court's finding. Failure to destroy the assault weapon upon the court's finding that such action is necessary is a class A misdemeanor.

13. The provisions of subsection 10 of this section shall not apply to those who manufacture assault weapons solely for sale to the following:

- (1) Exempt entities listed in subdivisions (1) to (11) of subsection 11 of this section;
- (2) Entities outside the state who have a valid federal firearms dealer's license solely for the purpose of distribution to an entity listed in subsection 11 of

this section;

- (3) Federal military and law enforcement agencies;
- (4) Law enforcement and military agencies of other states; and
- (5) Foreign governments and agencies approved by the United States State

Department.

14. Notwithstanding any other provision of law, any person who commits any other crime while violating this section may receive an additional, consecutive punishment of one year for violating this section, in addition and consecutive to the punishment, including enhancements, which is prescribed for the other crime.

571.180. 1. As used in this section, the following terms mean:

(1) "Ammunition", cartridge cases, shells, projectiles including shot, primers, bullets including restricted pistol bullets, propellant powder, or other devices or materials designed, redesigned, or intended for use in a firearm or destructive device;

(2) "Certificate of Eligibility", a document granted by the department of public safety in accordance with the provisions of this section;

(3) "Concealable firearm", as defined by subdivision (3) of section 571.010;

(4) "Dealer", any person, partnership, firm, corporation, or other form of business or legal entity that:

(a) Engages principally and substantially in the business of buying, selling, exchanging, or otherwise dealing in firearms or ammunition;

(b) Maintains a facility dedicated to carrying out said business and, except for a person or entity that exchanges such weapons on a wholesale basis, is open to the public;

(c) Possesses a valid federal firearms license;

(d) Possesses a certificate of eligibility issued by the department of public safety; and

(e) Possesses any regulatory or business license, or licenses, required by local government;

(5) "Firearm", as defined by section 571.163.

2. A person must request a certificate of eligibility from the department of public safety in order to qualify as a firearms dealer, as defined by this section, and the department of public safety shall issue a certificate to an applicant if the department's records indicate that the applicant is not a person who is prohibited from possessing a concealable weapon pursuant to section 571.090. The department of public safety shall promulgate rules and regulations to administer the certificate of eligibility program and shall recover the full costs of administering the program by imposing fees assessed to applicants who apply for

such certificates. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

3. All dealers shall maintain a permanent place of business that is not a residence or dwelling wherein all transactions described in this section shall be conducted and wherein all records required to be kept pursuant to this section shall be kept.

4. Any dealer engaged in business pursuant to this section shall keep and maintain a list of current employees including their names, former names used, dates of birth, physical descriptions, and social security numbers. The required employee list and all attachments thereto shall be considered confidential but shall, nevertheless, be open for inspection by any state, municipal, or local peace officer, within their respective jurisdiction, at any time, at the location where the dealer's employees are primarily located and during the dealer's regular business hours. No dealer under this section shall knowingly allow any employee, who is prohibited from possessing a concealable firearm, pursuant to section 571.010, to facilitate a sale of ammunition or firearms. All dealers shall, prior to employment and at least once during each calendar year thereafter, perform a criminal background check of each employee. Each dealer shall make and maintain a record of the background checks. A copy of each such form shall be attached to the above required employee list for inspection upon the valid request of a state, county, or municipal peace officer within their respective jurisdiction.

5. Each dealer shall have a burglar alarm system installed on the premises of its establishment where ammunition or firearms are stored or kept for sale. Such alarm system shall be directly connected to the local police department or monitored by a central station and shall activate upon unauthorized entry or interruption to such system.

6. No dealer shall deliver a firearm:

(1) Within ten days of the application to purchase or within ten days of a submission of any correction to the application or within ten days of the submission of any fee, whichever is later; and

(2) Unless unloaded or securely stored in a locked container.

7. No person shall make an application to purchase more than one concealable firearm within any thirty-day period. However, in no instance shall this subsection apply to:

- (1) Any law enforcement agency;
- (2) Any agency duly authorized to perform law enforcement duties;
- (3) Any state or local correctional facility; and
- (4) Any private security company licensed to do business in Missouri.

8. Any time a dealer is not open for business, the dealer shall store all firearms kept in his or her licensed place of business using one of the following methods for each particular firearm:

(1) Store the firearm in a secure facility that is a part of, or that constitutes, the dealer's business; or

(2) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises; or

(3) Store the firearm in a locked fireproof safe or vault in the dealer's business premises.

9. A willful failure to comply with requirements of this section shall be a class A misdemeanor and shall render the dealer ineligible to receive a certificate of eligibility from the department of public safety for one year from the date of the conviction.

571.183. 1. As used in this section, the following terms mean:

- (1) "Dealer", as defined by section 571.180;
- (2) "Manufacturer", a person who possesses a federal license to engage in the business of manufacturing firearms or ammunition for sale or distribution;
- (3) "Projectile", the part of handgun ammunition that is expelled through the barrel of the handgun by an explosion;
- (4) "Shell casing", the part of handgun ammunition that contains the primer and propellant powder to discharge the projectile.

2. A manufacturer that ships or transports a handgun for sale, rental, or transfer in the state shall include in the box with the handgun in a separate, sealed container:

- (1) A shell casing of a projectile discharged from the handgun; and
- (2) Additional information that the director of the department of public safety requires to identify the type of handgun and shell casing.

3. On receipt of a handgun from a manufacturer, the dealer shall confirm to the Missouri state highway patrol that the manufacturer has complied with subsection 2 of this section.

4. On the sale, rental, or transfer of the handgun, the dealer shall forward the sealed container to the Missouri state highway patrol crime laboratory.

5. On receipt of a shell casing and information as required in subsection 2 of this section, the Missouri state highway patrol crime laboratory shall enter the information in all relevant databases containing information identifying handguns and shell casings.

6. A willful violation by a manufacturer of this section is a class A misdemeanor.

571.186. 1. As used in this section, the following terms mean:

- (1) "Assault weapon", as defined in section 571.173;
- (2) "Capacity to accept more than ten rounds", as defined in section 571.173;
- (3) "Magazine", as defined by section 571.173.

2. As used in this section the term "assault weapon" does not include any firearm modified to render it permanently inoperable.

3. It shall be unlawful for manufacturers of concealable firearms, as defined in section 571.010, or of assault weapons, as defined by section 571.173, to distribute any concealable firearm or assault weapon in this state unless such firearm is equipped with a reusable child safety lock, firearm lock or firearm locking device, gun lock or gun locking device appropriate for such firearm, which lock or device shall be constructed of material sufficiently strong to prevent it from being easily disabled and have a locking mechanism accessible by key or electronic or other mechanical accessory specific to such lock or device to prevent unauthorized removal of the locking device.

571.188. 1. As used in this section the following terms shall mean:

- (1) "Child", any person under the age of sixteen;
- (2) "Firearm", as defined by section 571.010.

2. A person is guilty of unlawfully permitting a child access to a firearm by storing or leaving a loaded firearm within the easy access of a child, if the child intentionally discharges the firearm to inflict injury or death upon himself or herself or any other person. However, this subsection does not apply:

(1) If the firearm was stored or left in a securely locked box or container or in a location which a reasonable person would have believed to be secure, or was securely locked by a trigger lock;

(2) If the child obtains the firearm as a result of an unlawful entry by any person not authorized to be on the premises;

(3) To injuries resulting from target or sport shooting accidents or hunting accidents; or

(4) To members of the Armed Forces, National Guard, or State Militia, or to other peace officers, with respect to firearm possession by a child which occurs during or incidental to the performance of their official duties.

3. Unlawfully permitting a child access to a firearm pursuant to subsection 2 of this section is a class D felony.

4. When any child is accidentally shot by another family member, no arrest shall be made pursuant to subsection 2 of this section, prior to seven days after the shooting. With respect to any parent or guardian of any deceased child, the investigating officers shall file all findings and evidence with the prosecuting attorney's office with respect to violations of subsection 2 of this section. The prosecuting attorney shall evaluate such evidence and shall take such action as he or she deems appropriate under the circumstances and may file a cause of action against the appropriate parties.

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